

ORIGINAL

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FILED 12 JUN '17 10:43 USDC-ORP

EVAN PAUL LUX

Civil Case No. 6:17cv00924-JR

PRISONER CIVIL RIGHTS
COMPLAINT

Plaintiff(s),

v.

CITY OF KEIZER OREGON; KEIZER OREGON

POLICE DEPARTMENT; DETECTIVE CHRISTOPHER NELSON;

JOHN TRONCOSO; ARSEN AVETISYAN ; BRANDY LYNN ROEDER

Defendant(s).

I.

A. Have you brought any other action or appeal in a court of the United States while a prisoner?

Yes ____ No X

II.

A. Place of confinement: Snake River Correctional Institute (SRCI)

B. Is there a prisoner grievance procedure in this institution?

Yes ____ No X

C. Have you filed a grievance concerning the facts relating to this complaint?

If your answer is no, explain why not:

Complaint is not again Department of Corrections (SRCI)

D. Is the grievance process completed?

Yes ____ No ____

III. PARTIES

(In Item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff: Evan Paul Lux
Security Identification No.: 16081773
Address: 777 Stanton Blvd.
Ontario, OR 97914

(In item B, place the full name of each defendant, his/her official position, and his/her place of employment.)

B. **Defendant** CHRISTOPHER NELSON is employed as Police Detective at Keizer Oregon Police Department.
Defendant: JOHN TRONCOSO is employed as Police Lieutenant at Keizer Oregon Police Department.
Defendant ARSEN AVETISYAN is employed as Police Lieutenant at Keizer Oregon Police Department.
Defendant BRANDY LYNN ROEDER is employed as Co-Owner at Glamour Sash LLC.
Defendant KEIZER POLICE DEPARTMENT is employed as POLICE DEPARTMENT in THE CITY OF KEIZER, OREGON 97301 Oregon Police Department.
Defendant CITY OF KEIZER, OREGON

1 **IV. STATEMENT OF CLAIM**

2 **Claim I**

3 *State what right under the constitution, laws, or treaties of the United States has been violated.*

4 Fourth Amendment of the U.S. Constitution (unlawful search and seizure); 18 U.S.C.S. §2511;
 5 (Unlawful interception of electronic communications under) ORS 133.724(1) and ORS 165.540(1)(d);
 6 Article 1, Sec. 9 of the Oregon Constitution (unlawful search and seizure). 14th Amendment right to
 7 Due Process; Plaintiff's right to be free from unlawful search and seizure was violated by the listed
 8 defendants.

9
 10 **Supporting Facts:**

11 June 18, 2015, Brandy Roeder participated with Detective Chris Nelson and Lt. John Troncoso of the
 12 Keizer Police Department (KPD) in the illegal interception of communications between Plaintiff and
 13 Ms. Roeder in at least three separate events authorized by KPD and recorded in various police
 14 supplements. The defendant(s) did not have an order/warrant to intercept as required by ORS
 15 133.724(1) and 165.540(1)(d). The plaintiff was not notified of the interception by the defendant(s).

16 These illegal recordings were used in an indict plaintiff on multiple felonies in which the court
 17 issued a bail of \$700,000. Plaintiff could not afford the exorbitant bail and was forced to remain
 18 incarcerated for over 7 months in county jail in which he suffered the following losses: (1) Loss of
 19 personal business ownership valued at \$1.5 million. (2) loss of income which has reached over
 20 \$250,000. (3) Repossession of four financed vehicles. (4) Loss of equity in rental home \$36,000. (5)
 21 Loss of future wages from business and equal share of sale of business ownership.

22 Detective Christopher Nelson initiated the illegal interception with Lt. John Troncoso's
 23 approval. Both are employees of the KPD, a department of the City of Keizer.

24
 25 **Claim II**

26 *State what right under the constitution, laws, or treaties of the United States has been violated.*

27 Fourth Amendment of the U.S. Constitution (unlawful search and seizure) and 14^h Amendment of the
 28 U.S. Constitution right to Due Process.

29
 30 **Supporting Facts:**

31 Defendant(s), (Nelson, Troncoso, Avetisyan, KPD, City of Keizer) deprived plaintiff of his liberty and

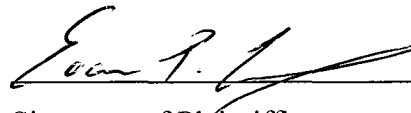
1 property without due process by using the illegally obtained electronic communications to support their
2 application for search and seizure warrants and to establish probable cause to arrest plaintiff and seek
3 indictment. The police, without being issued a warrant for arrest or establishing exigent circumstances,
4 arrested plaintiff in his home by gunpoint. The defendant(s) *supra* additionally violated the court issued
5 search and seizure warrants for plaintiff's home by serving the warrant on a non-listed alternate address
6 in order to obtain plaintiff's cell phone. The defendant(s) violated a search and seizure warrant issued
7 for the data of the cell phone by obtaining and analyzing the data 5 months after the warrant expired, in
8 which they brought further charges and a conviction against plaintiff.

9
10 **V. RELIEF**

11 *Relief plaintiff is seeking:*

12 Written apology by all defendants. Dismissal of Nelson and Troncoso from the Keizer P.D. For
13 misconduct. Punitive damages of Three million dollars and actual damages of 3 million.

14
15 Signed this 6 day of June, 2017

16
17 
18 Signature of Plaintiff's